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GOVERNOR'S MESSAGE.

Gentlemen of the Council
and House of Representatives:

We are assembled, to-day, under the most favorable auspices. The Territory of Nebraska has, thus far, achieved all that her friends could ask. Her early organization and rapid progress have signally illustrated the safety and expansive force of the principles of the federal compact, from which naturally sprang her Organic Act.

The imprint of her "Great Seal" has been *Genuine*. "POPULAR SOVEREIGNTY" has been vindicated, "PROGRESS," verified. Peace and Good Order, practical vigor and manly observance of Constitutional obligations have characterized the conduct of our people. No dangerous agitations or political heresies have been permitted to take root; but the seeds of industry, education and law, planted at the commencement, by enterprising and practical men, have yielded the legitimate fruit of a safe and efficient self government.

Under such circumstances, and inhabiting a country of such vast extent, natural beauty and productive wealth—although lamentable dissensions have given to our sister Territory a wider notoriety—we may well congratulate each other, upon our verification of the political truth,—"*Happy is that people whose annals are tranquil.*"

We have, assuredly, no ordinary cause of gratitude to Him who rules over all things, for the oportunities vouchsafed us—the advantages of geographical position—on the great natural line of commerce—a foremost place in the race of Territories—and the facilities of modern improvements and great enterprises to promote our advancement in every department of industry and art. By continued adherence to wise and moderate councils—by earnest and real public spirit and internal harmony, immigration will be rapidly increased—our new counties speedily populated—the great cities of the seaboard will identify with ours their commercial interests—and capital, once more liberated from financial paralysis, will find its safe and more profitable investment in the fee-simple of our fertile woodlands, prairies and valleys.

Reposing entire confidence in the integrity and intelligence of the representatives of a great people convened to deliberate for the general good, I cordially unite with you in a deep sense of the responsibilities devolved and a sincere desire to co-operate with you in meriting the good opinion of our constituents at large.

To protect most effectually their interests; to elevate public character; to foster industry, temperance and virtue; to build up institutions of charity; to educate those who are to follow us, to stimulate to public spirit and moral manliness; to systematize and adapt the duties of territorial, county and township officers; to consolidate and perfect a code of practice; to develop

our natural and mineral wealth;—in a word, to direct the supreme power to the best good of the governed, and achieve for Nebraska that sterling name and conspicuous place which her natural resources and the spirit of her people deserve and demand; and to effect all this in the short space of forty days, in an assembly of two Houses and conflicting interests, in a manner satisfactory to any of us, is certainly a task requiring conscientious and constant application, regardless of considerations of personal or local gratification or advantage.

We meet to day, for the fourth time, at the place first chosen for the Territorial Capitol, and in the spacious and imposing edifice now nearly completed under the appropriation by the General Government, and through the public spirit of the City of Omaha. The cost of the structure having far exceeded the estimates, and the deficit having been promptly contributed for the general good, there can be no doubt that the justice of an earnest appeal for the re-imbursement of the amount ($50,000) will be recognized by every citizen; nor can we refrain from the belief that Congress will not be reluctant to defray the additional requisite expense.

The actual necessities of the territory require the services of a Surveyor General, and assurances have been received encouraging the hope that an effort to secure such an appointment will be successful.

The memorial for the proper distribution of troops along the Emigrant line, should also be renewed, in connection with an application for grarts of land for railroads. The propriety of such assistance from the General Government is unquestionable. We are on the direct line of communication between the great ports of the Atlantic and Pacific. The Commerce of the lakes swells the tide, with the mineral and agricultural wealth of the north; and if, to-day, the wisdom of the federation should be called upon to fix the most feasible and profitable national route, it would seem that a determination in favor of this natural line between the Depots of the far East and West, along the valley of the Platte, would be coerced by the necessities of trade, with the force of mathematical truth applied to experimental practice.

Private enterprise cannot be relied upon to undertake so stupendous a project. Under the social and business system of this country, there is no monopoly. Individuals, with or without money, credit, or position, may project Railroads and other internal improvements, barter in shares, and at last abandon their schemes to their own advantage, and the ruin of others. The fluctuations and uncertainties of private speculations will not be seriously entertained, in the action of the General Government upon a matter of such admitted military necessity and national importance. Provision for a Railroad to the Pacific, along the route above mentioned should be urgently sought from Congress at its present session, before the most valuable lands shall have been secured by speculators or settlers.

We may congratulate each other, however, on the actual commencement of a work of approximate and preliminary importance. The arrangements for the completion of the second Division of the Atlantic and Pacific Telegraph —from the Missouri River to the Pacific, have been perfected under the direction of Messrs. Henry O'Reily, John J. Speed and other eminent contractors and practical telegraphers. While the public pulse has been so quickened by the hope of an oceanic communication between the old and new worlds, comparatively little has been said in respect to a line of more direct benefit to our own country—to be built without either money or favor from

the Government—and requiring only such protection as the interests of the country demand for the security of emigrants. The proprietors solicit only a proper distribution of Government troops, in garrisons separated by a reasonable distance—and having a certain and daily communication by means of detachments. By troops thus apportioned the letter mails could be regularly transmitted, travelers protected, railroad projects advanced, the country colonized, and the telegraph line completed in a short space of time, without additional expense to the General Government. The citizens of the West cannot regard with indifference so public spirited an effort, and in which the only encouragement asked is that protection of intercourse which should long since have been conceded, in justice to western interests.

A memorial should also be forwarded, praying for an appropriation for a Military Bridge across the Platte River. Every good citizen ardently desires that the fruitless sectional alienation heretofore existing between the two sections of the Territory should cease forever, and will heartily approve the endeavors of your Honorable body to contribute to such a result. The importance of the earliest transmission of these memorials to Congress should elicit immediate action.

To the country at large, the past has been truly an eventful year. A disastrous monetary revulsion—delayed for a time by the great supplies of gold from western discoveries—has befallen us at last—prostrating credit—destroying confidence—ruining individual and associated capitalists—disclosing monstrous frauds, and bringing distress, penury, and beggary to the doors of tens of thousands of the industrious classes, all over the Union. In the public prints are long lists of failures and of broken and suspended Banks. The immense influx of coin has only stimulated to an increased manufacture of paper promises. It is estimated that about two thirds of the currency of the country is *Debt*. The crisis was inevitable, and it remains only to profit by its severe and emphatic warnings.

It may be urged that specie is again returning to its former channels—and that public trust will soon revive. Yet what amount of coin will repair the injury already wrought—or afford a basis of security against human avarice stimulated to extravagant speculations and unscrupulous excesses, by the facilities afforded by an insecure Banking system? The history of "profitable" banking is inevitably the history of alternate depression, overaction, and ruinous expansion. May we not hope that the events of the year will lead to a general reform, and to the restriction of paper to the uses of commercial men? Believing as I do that the whole system of Banking is insecure—even when based on State Stocks and securities—where one promise to pay is made the basis of another—both perhaps equally fallacious—and being especially convinced that the institution of banks in this Territory was impolitic, and that there are imperfections in the charters, I respectfully urge that some adequate means be taken to remedy the evil, and protect our citizens in future. Many persons who have realized from such systems advantage to themselves, may have heretofore seen no danger to others. But the experiment has now, at least, been fully tried, and none can be so far deluded by the transient stimulus and temporary vigor imparted to business transactions by traffic in expanded credit, as to fail to see the necessity of additional protection of labor, and of the great agricultural and other producing interests, upon which our true prosperity depends. The action of the first few years is apt to fix the character of the future State; and, in the important

respect of the financial policy to be pursued, no timidity, or indifference, or interested motives should be permitted to prevent or postpone a determined effort to avert, in future, calamities such as those from which the country is just emerging. The Banks now in existence in the Territory are perhaps as safe as most of such institutions. Prudently managed in their infancy, but few of the community have suffered loss. Yet it is equally true that their profits are to be made hereater. In the meantime, gold and silver, withdrawn from Eastern adventures and depositaries, may be expected in sufficient quantities for the ordinary purposes of trade. Although, therefore, paper money is now so identified with the business habits of community that the prospect of its abolishment, perhaps for a long time to come, seems impracticable, and to many absurd; yet, within our own jurisdiction, by proper safeguards and restrictions, we may approximate such a result; and may now provide that the full specie equivalent of all circulated bank paper shall be at all times within the reach of every citizen. By a monthly or at least quarterly inspection of the Banks, by sworn and responsible officers, it can be known that specie means are actually held, fairly proportioned to paper issues. The circulation of Bank Notes of a smaller denomination at first than five dollars, and afterwards of ten dollars, should be prohibited: and it may be provided that Commissioners shall assume the direction of the affairs of suspended Banks, on the first day of their suspension. It seems also worthy of consideration, whether the excessive importation of foreign bank bills should not be restricted by requiring the additional endorsement of such Banking Houses—chartered or private—as may issue them.

The institution of Bankrupt and Relief laws has been urged by many—for the purpose of augmenting our Territorial wealth—the first for the accommodation of insolvent debtors, reduced to embarrassment by unlooked for disasters—the last for the security of encumbered capitalists, against foreign liabilities. Under no such laws can a just discrimination be made between the unfortunate delinquent and the successful and unprincipled swindler. Their necessary effect is to ignore the faith of contracts and demoralize society without conferring ultimate benefit. Considerations of policy as well as of morals dictate that our real welfare can only be consulted by occupying and retaining a safe, elevated and honorable position; the experience of communities, as well as of individuals, having abundantly taught that true happiness and greatness have no friends so sure as integrity and honor.

Our code of practise is universally regarded by the bar as meagre and defective. The statutes are limited, confused and contradictory. In consequence both the bar and public are unable to determine the correct mode of proceedure in cases of frequent occurence; and the judges being left without a definite statutory guide in their decisions, have too great a latitude of discretion—as little desirable to them as annoying to parties. To accomplish the desired amendment, one or more practical and experienced lawyers should be appointed, and such reasonable compensation allowed as will induce them to contribute the necessary time and study. It is impossible for a committee of the Legislature, amid the pressing duties crowding upon them in a brief session, to devote to the work the required ability and attention. There are needed steady and faithful comparison of one part of the code with another, and careful examination of analogous statutes of other states and of the decisions of the courts.

In August, 1856, Congress passed an act for the purpose mainly of reduc-

ing the expenses of the Territorial courts thrown upon the federal treasury. Under this law the judges are required to fix the times and places of holding the courts, but are restricted to three points in the territory, or one in each district. Hence parties, jurors and witnesses are compelled to attend from remote parts of the district—or the judges must assume the responsibility of delaying proceedings. An effort should be made to amend the act by a provision allowing each county to assume and defray the additional expense necessary for the public convenience. The necessity of passing an act permitting the payment by the counties of the extra expense—in case the law of congress should be amended—is obvious and imperative.

The increase and changes of our population seem to demand a new arrangement of judicial districts. The recent and rapid settlements northward of Dakotah, extending to Niobrarah, have imposed an undue proportion of labor on the judge of the third district. A modification of the present division is therefore suggested, by attaching one or more counties north to the Capitol District, and uniting the counties south of the Platte, in the allotment to the second District.

In the action of nearly all Legislative Assemblies and communications from Executives, the highest importance has been attached to the faithful administration of an efficent Common School System. In a country founded on the absolute equality of the people, it is vitally necessary that the character of the District School should favorably compare with the grade of Select Academies—thus placing the means of thorough education within the reach of all.

Our Territorial Assembly has provided an adequate law, the provisions of which have been almost entirely unheeded. Many County Superintendents have failed to qualify, as prescribed in Sections 19 and 20, Chapter 18, 2nd Statutes; and the County Clerks have provided no substitutes; nor has the forfeit been collected by the Prosecuting Attorney as provided in Section 23. Others have neglected to report to the Superintendent of Public Instruction on the 1st of November, as ordered in Sec. 32. Thus the law has been rendered virtually a dead letter. In many, if not all the counties, no Districts have been formed; no taxes levied; no teachers employed and no steps taken in respect to School Laws. The Act of Congress of 1857, providing for the selection of other sections in lieu of the 16th and 32nd, when occupied and improved prior to the surveys, has temporarily abridged the land fund—but it is the duty of the County Superintendent (Chap.18, Sec. 9,) to examine, allot in parcels, and value the sections not thus occupied, as well as others after they shall have been selected. I respectfully call attention to this and the other requirements of the law, so that existing resources may be made available, and the system put in force by the 1st Monday of May 1858—the proximate time for the regular meeting in each School District.

For information as to the state of the Treasury, reference is made to the Report of the Treasurer herewith submitted. The revenue law now in force is inapplicable and almost inoperative, and requires a thorough and careful revision.

While the military spirit of our citizens is believed to be unabated, drill and discipline have been greatly neglected. Companies exist in nearly every County, but their organization in many cases is imperfect, or suffered to decline on account of changes of residence. These deficiencies should be supplied. Situated on the frontier—we should be provided, at all times, for self-defence, or co-operation with the Government against internal enemies.

Our Election Law needs an amendment requiring Clerks to transmit to the Territorial Secretary a list of the County Officers elect in each year, and of all the resignations or removals of Officers or Notaries Public.

During every session, special acts have been passed, appointing Road Commissioners. Great inconvenience has resulted from their negligence or inattention. It is suggested that penalties should be imposed for such non-fulfilment, or that County Supervisors should be annually elected.

Your attention is called to a more rigid enforcement of the act to prevent the firing of woods, marshes and prairies, (page 196, 1st statutes) to insure preservation of property and growth of timber.

Notaries Public are reminded to keep a fair record of their official acts. [Chapter 16, page 58, 2nd statutes.]

It is also suggested that complication in County Accounts may be avoided by assigning the duties of School Fund Commissioner to the County Treasurer.

Our agricultural and productive resources may be developed by aiding the formation of industrial societies in every county. Premiums (though small at first) offered by individuals or associations for the largest useful crop, the best improved stock, etc., would invite competition, and form a nucleus for wealthy combinations. Nor can it be believed that the encouragement given by a small appropriation to each county from the territorial revenue, for the purpose of increasing the most fruitful of all sources of profit, would fail to meet the sanction of the people.

The number of copies of the laws heretofore ordered to be printed has been insufficient. The editions of the first two years are nearly exhausted; and the demand increasing. At least 2,000 copies of the statutes of this session should be published, and the Secretary instructed to sell the volumes remaining, after distributing the authorized number to public officers.

It is a source of gratification to consider the actual progress of the Territory in the past year, by the acquisition of property, and the rapid settlements by pre-emption. A large and valuable tract has been secured from the Pawnees, through the treaty framed with them by Commissioner J. W. Denver. The chiefs of the Ponca tribe have recently repaired to the Federal Capital with Indian Agent J. B. Robertson, with the intention of concluding a similar treaty, and ceding their unsurpassed farming and timber lands.

The United States wagon road from the Platte River via the Omaha reserve to the Running Water, (L'eauquicourt.) under the direction of Col. Geo. Sites, has been constructed for a distance of 103 miles, including 31 bridges. I have been favored with a statement of the length of these bridges, as follows:

Papillion	Creek	bridge,	68	feet	long,	Pike	Creek	bridge,	39	feet	long,
Spring	"	"	45	"	"	Springrun	"	"	27	"	"
Poncas	"	"	34	"	"	Tekama	"	"	59	"	"
Turkey	"	"	39	"	"	Silver	"	"	54	"	"
Mill	"	"	54	"	"	Elm	"	"	27	"	"
South	"	"	29	"	"	Wood	"	"	53	"	"
North	"	"	34	"	"	S. Blackbird	"	"	59	"	"
Stewart's	"	"	29	"	"	N. "	"	"	59	"	"
New York	"	"	54	"	"	Omaha	"	"	68	"	"

The rich bottom and bench lands of the Missouri and the numerous valleys of the small tributaries along this route are fast filling up with settlers who

have already realized promising returns from their labors. Our obligations are justly due to the Hon. Jacob Thompson, Secretary of the Interior for the expenditure of this appropriation in a manner so productive of public benefit.

The Military Road to Ft. Kearney has been nearly finished, including bridges built after the most approved plans for strength and durability, (the bridge across the Elk Horn being 200 feet in length,) and the road itself giving access to one of the most fertile and commercially important vallies in the great West.

Interesting information in this connection has been obtained from the Register of the Land Office, Omaha City, in the following table,—showing the pre-emption, during the season just passed, of more than 400,000 acres of Land :

ABSTRACT OF LANDS PRE-EMPTED A. D. 1857.

	Warrants		Cash		Total	
	Acres.	100th.	Acres.	100ths.	Acres.	100ths.
February,.....	5,200	66	1,711	84	6,922	50
March,.....	10,182	34	6,910	11	17,092	45
April, ...	27,070	69	7,404	59	34,475	28
May, ...	33,267	34	5,863	64	39,130	98
June,.....	44,244	57	6,700	40	50,944	97
July,.....	80,474	44	17,381	16	97,855	60
August,.....	55,020	50	9,323	55	64,344	05
September,.....	53,773	68	6,132	72	59,906	40
October,.....	21,828	31	1,160	45	22,988	76
November,.....	8,059	18	629	65	8,688	83
Total.....	339,131	71	63,218	71	462,349	82

The area of Nebraska is greater than that of New York and the New England States. Our invigorating climate, productive soil and natural advantages will attract multitudes of emigrants driven to our shores by the political troubles of the Old World. Politically, we have equal reason to rejoice. Our future increase will give to us the control, to great extent, of the Country's political destiny; and it is gratifying to believe that that power will be used with a patriotic and unfaltering determination to defend the Federal Constitution, and preserve the Union of the States. Safe, thus far, from the interference of reckless agitators and the mad efforts of intolerant fanatics, we can furnish to the world an enviable proof of the legitimate effect of the genius and spirit of our Republican Institutions. No retribution can be too severe, if, through casuistry, or local strifes, or political infidelity, we prove recreant to that beautiful federative system to which we owe our existence, and under which alone we can achieve true and permanent greatness.

I have thus presented to you, gentlemen, plainly and hurriedly, such considerations as have occurred to me—uncertain, until the eve of your assembling, whether, in my incidental position, such a communication would be required. Once before we have met under similar circumstances. Since that initial period, the bitterness of sectional strife has been measurably allayed. Strange faces and new interests have taken their places upon the stage, and many of the actors in our early history, have passed

away, or been lost in the throng of events. Men, out of repair, politically or morally, will continue to be prostrated one by one, and their names expire with the forgotten influences of the past; but our powerful young Territory will move on with augmented and prevailing force, and realize, in its future fortunes, all that human hope or ambition can anticipate or wish.

Acting for that territory in a co-ordinate capacity, and in view of the mutations of public affairs, and the vicissitudes of life—permit me to assure you, each and all, that I cherish a sincere desire for your success, individually, as well as in your endeavors to promote the public good. May no personal resentments or local alienations hereafter mar the harmony, which should inspire the intercourse of the representatives of the government and of our people! May no boundary—natural or artificial—prevent the union of all our energies, in building up an eminent, honored and thriving state!

May you be prospered in all your laudable aims, and, after performing the high duty of legislating for a patriotic and confiding people, return, in health, to the comforts and friendships of your respective homes.

THOMAS B. CUMING.

EXECUTIVE CHAMBER,
Omaha City, December 9, 1857.